

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

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In re:

**Chapter 7
Case No. 11-24269 (rdd)**

JUANITA STRASSFIELD,

Debtor.
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**ORDER DENYING WELLS FARGO'S MOTION TO VACATE AUTOMATIC STAY
AND PARTIALLY GRANTING RELIEF SOUGHT IN OBJECTIONS THERETO**

Upon the motion, dated January 24, 2012 (the "Motion"), of Wells Fargo Bank, N.A. ("Wells Fargo") to vacate the automatic stay in this case pursuant to 11 U.S.C. § 362(d); and upon the objections to the Motion submitted on behalf of the debtor, Juanita Strassfield (the "Debtor") and the Chapter 7 trustee (together, the "Objections") and all related responses and replies; and this Court having jurisdiction to consider the Motion and the Objections under 28 U.S.C. §§ 157(a) and 1334(b); and due and sufficient notice thereof having been given, and no other or further notice being necessary; and upon the record of the hearings on the Motion, including the January 23, 2013 hearing on the Motion; and, after due deliberation, the Court having found that that Wells Fargo has not carried its burden of proof with respect to its standing to bring the Motion, it is hereby

ORDERED that the Motion is denied in its entirety; and it is further

ORDERED that Wells Fargo pay the reasonable fees and expenses (including reasonable attorneys' fees and expenses) of the Debtor and the Chapter 7 trustee in responding to the Motion, in an amount to be determined by the Court following submission of fee applications by the Chapter 7 trustee and the Debtor to the Court and a hearing thereon to be scheduled by the applicants. Such applications shall be filed and served upon all parties in interest on or before 30

days after the date of this Order, and any response thereto shall be filed and served on or before 20 days after the service of any such applications; and it is further

ORDERED that the entry of this Order is without prejudice to the right of any party in interest, including, without limitation, the United States Trustee, to seek further relief based on the alleged improper filing of false documents with the Court.

Dated: February 11, 2013
White Plains, New York

/s/Robert D. Drain
Hon. Robert D. Drain
United States Bankruptcy Judge